garments and an effective hair restraint, including an effective hair restraint for any beard longer than 1/2 inch. Hair restraints may include hair nets, caps, and snoods, but do not include hairsprays, visors, or headbands.

(b) No person may wear any jewelry while working in a processing area or handling unpackaged dairy products. This paragraph does not apply to plain band wedding rings.

**(3)** CONSUMPTION OF FOOD AND BEVERAGES, AND USE OF TOBACCO. No person may consume foodor beverages, or use tobacco in any processing area, or in any area where dairy processing equipment or utensils are cleaned or stored. Employees may not consume food or beverages, or use tobacco except in designated areas that are separated from food processing areas. This subsection does not prohibit a sanitary water fountain in a processing area, nor does it prohibit on-line quality control sampling and organoleptic evaluation according to written quality control procedures established by the dairy plant operator.

**ATCP 65.28 Equipment and utensils. (1)** CONSTRUCTION AND MAINTENANCE. (a) Equipment and utensils, including C-I-P systems, shall be of sanitary design and construction. Equipment and utensils, including C-I-P systems installed after the effective date of this chapter, shall comply with applicable "3-A Sanitary Standards" and "3-A Accepted Practices" listed in APPENDIX A to this chapter.

**Note:** The "3-A Sanitary Standards" and "3-A Accepted Practices" listed in APPENDIX A are published by 3-A Sanitary Standards, Inc., 1451 Dolley Madison Boulevard, Suite 210, McLean, VA 22101-3850, telephone (703) 790-0295, website www.3-a.org. Copies are on file with the division and the legislative reference bureau and may be obtained from the "3-A Sanitary Standards, Inc. Online Store" at http://www.techstreet.com.

(b) Equipment and utensils shall be readily accessible for cleaning and inspection, and shall be designed and constructed so that they can be easily cleaned. Equipment and utensils shall be kept clean and in good repair.

(c) Tanks, vats, separators, and other containers used to store or process dairy products shall be designed or equipped with appropriate devices to prevent surface condensation and drainage from entering the container.

(d) Pipeline systems used to convey dairy products shall contain no dead ends in which dairy products may collect. Pipelines and other equipment shall be designed and constructed to preclude cross-contamination between pasteurized dairy products, unpasteurized dairy products, and cleaning and sanitizing solutions.

(e) If it is necessary to disassemble any equipment or utensil to inspect a product contact surface, all tools needed for the disassembly shall be readily available at the dairy plant.

(f) Water hoses used to wash dairy products or add ingredient water to dairy products shall be constructed of approved food grade materials and shall be used and stored in a sanitary manner.

(g) A dairy plant operator may use sanitary flexible pipelines to transfer partially processed products in the intermediate stages of production, or to load and unload bulk loads of milk from transport vehicles, if all the following apply:

1. The use of rigid pipelines for that purpose is impractical.

2. The dairy plant operator properly cleans and sanitizes the flexible pipeline after completing the transfer of product, or at least once every 24 hours.

3. The operator uses only a length of flexible pipeline necessary to conduct the transfer operation.

**(2)** PRODUCT CONTACT SURFACES. (a) Product contact surfaces of equipment and utensils shall be made of materials that are smooth, impervious, nontoxic, noncorrosive, nonabsorbent, and durable under foreseeable use conditions. A product contact surface shall be constructed of

one or more of the following materials unless another material is specifically authorized by the department in writing:

1. Stainless steel of the American Iron and Steel Institute 300 series, or an equally corrosion resistant metal.

2. Heat resistant glass.

3. Plastic, rubber, or rubber-like materials that are fat resistant and insoluble; that are resistant to scratching, scoring, decomposition, crazing, chipping, and distortion under normal use conditions; that do not impart chemicals, flavor, or odor to milk; and that maintain their original properties under repeated use conditions.

(b) Product contact surfaces shall be easily cleanable, and shall be free of breaks, open seams, cracks, or similar defects. Product contact surfaces shall not impart any odor, color, taste, or adulterating substance to food. Product contact surfaces, other than product contact surfaces of approved C-I-P systems, shall be readily accessible for manual cleaning. Joints and fittings shall be of sanitary design and construction.

**(3)** LOCATION AND INSTALLATION OF EQUIPMENT. (a) Equipment shall be located and installed to prevent overcrowding and to prevent contamination of dairy products or product contact surfaces by splash, condensation, or manual contact.

(b) Equipment that cannot be easily moved shall be installed in a manner that prevents liquid or debris from accumulating under or around the equipment.

(c) Equipment shall be installed so that there is adequate clearance on all sides for cleaning and maintenance. This does not apply to that portion of a tank or container that is designed to protrude into or through a wall or the ceiling of a dairy plant.

**(4)** BULK STORAGE TANKS; VENTING. A tank used for the bulk storage of milk, whey, or liquid food products shall be equipped with an air filter to prevent contamination of tank contents, or shall be vented only to one of the following:

(a) A processing area.

(b) A tank gallery room that complies with processing area sanitation standards under this chapter.

**(5)** MEASURING DEVICES AND CONTROLS. (a) Every storage tank, freezer, and cold storage compartment used to hold milk or dairy products shall be equipped with a thermometer or other device that accurately indicates the temperature in the storage tank, freezer, or compartment.

(b) Each of the following bulk storage tanks shall be equipped with a 7-day temperature recording device that shows the temperature of dairy products stored in that bulk storage tank over the immediately preceding period of at least 7 days:

1. Every bulk storage tank used to store grade A milk or grade A dairy products for longer than 24 hours.

2. A silo tank installed after December 1, 1994.

(c) Instruments and controls used for measuring, regulating, and recording temperatures, pH, acidity, water activity, or other conditions that control or prevent the growth of undesirable microorganisms in milk or dairy products shall be accurate, fully functional, and adequate for their intended use.

**(6)** LUBRICATION. Equipment shall be designed and constructed so that gear and bearing lubricants do not come in contact with milk or dairy products, or with product contact surfaces. Food grade lubricants shall be used if there is any chance that lubricants may come in contact with milk or dairy products, or with product contact surfaces.

(7) CLEANING AND SANITIZING EQUIPMENT AND UTENSILS. (a) A dairy plant operator shall clean and sanitize product contact surfaces of equipment and utensils to keep them at all times in sanitary condition. Sanitizing methods shall comply with s. ATCP 65.34.

(b) Except as provided in pars. (c) to (f), a dairy plant operator shall at a minimum clean all product contact surfaces of equipment and utensils after each day's use, sanitize those surfaces before each day's use, and clean and sanitize those surfaces before any change in use that may cross-contaminate dairy products.

(c) A dairy plant operator shall clean and sanitize tanks used to store liquid dairy products whenever the dairy plant operator empties those tanks. Tanks used to store raw milk or grade A dairy products shall be emptied at least once every 72 hours.

(d) A dairy plant operator shall clean evaporators at the end of a continuous operation, not to exceed 44 hours.

(e) Paragraph (b) does not apply to the following equipment, provided that the dairy plant operator cleans and sanitizes the equipment according to manufacturer specifications and complies with par. (a):

1. Drying equipment.

2. Cloth collector systems.

3. Dry product packaging equipment and storage containers.

4. Equipment used in brining, aging, curing, and dry product blending processes.

5. Reverse osmosis equipment that utilizes a permeate stream from a previously pasteurized product which has passed through a nanofiltration system achieving an efficiency of not more than 1,000 daltons.

(f) The division may authorize an alternative cleaning and sanitizing schedule for continuously-operated equipment, in lieu of the schedule under par. (b), based on a proposal under par. (g). If the proposal involves cleaning and sanitizing of equipment which contacts grade A dairy products, the proposal shall be developed in consultation with the US food and drug administration. The division's authorization of a proposal for equipment in contact with grade A dairy products is contingent upon acceptance of the proposal by the US food and drug administration. A dairy plant operator shall adhere to the practices described in an approved proposal. A dairy plant operator may not materially alter practices described in an approved proposal without division approval.

(g) A dairy plant operator's proposal under par. (f) shall include all of the following:

1. A complete description of the continuously-operated equipment covered by the proposal, including relevant design and sanitation features.

2. A complete description of the processing, handling, or storage operations for which the continuously-operated equipment is used. The description shall identify the types of dairy products involved, the types of continuous operations conducted, and the duration of the continuous operations.

3. A complete description of the cleaning and sanitizing procedure proposed by the dairy plant operator. The description shall include cleaning and sanitizing frequency, cleaning and sanitizing methods and materials, and other relevant process parameters such as time and temperature. The description shall include relevant process diagrams and specifications.

4. A certification, by the dairy plant operator, that the proposed cleaning and sanitizing procedure complies with par. (a). The certification shall be based on a thorough hazard analysis and safety assessment by qualified personnel.

(h) A dairy plant operator shall keep records to document, on an ongoing basis, the operator's compliance with this subsection.

**(8)** STORING CLEAN EQUIPMENT AND UTENSILS. Clean equipment and utensils, unless stored in an approved sanitizing solution, shall be stored so that they drain dry. Utensils and equipment components disassembled for cleaning shall be stored above the floor in metal racks or other suitable storage facilities. Clean equipment and utensils shall be protected from contamination prior to use.

**(9)** SINGLE-SERVICE UTENSILS. Single-service utensils shall be stored in the original containers in which they were received, or in other closed containers that will protect them from contamination until they are used. Single-service utensils shall not be reused.

**(10)** CLEANING COMPOUNDS, DETERGENTS, AND SANITIZERS; STORAGE AND LABELING. Cleaning compounds, detergents, and sanitizers used in a dairy plant shall be clearly labeled. When they are not being used, they shall be stored in designated areas and in an appropriate manner so that they do not contaminate dairy products, ingredients, equipment, or utensils.

**ATCP 65.30 C-I-P systems. (1)** CONSTRUCTION AND MAINTENANCE; GENERAL. (a) C-I-P systems shall be designed, constructed, installed, and maintained in compliance with s. ATCP 65.28.

**(2)** CLEANING AND SANITIZING C-I-P SYSTEMS. (a) A dairy plant operator shall clean and sanitize all C-I-P systems in compliance with s. ATCP 65.28 (7). Surfaces that cannot be cleaned and sanitized by C-I-P procedures shall be cleaned and sanitized manually.

(b) A dairy plant operator shall keep records on the cleaning and sanitizing of all C-I-P systems. The records shall identify every C-I-P system that has been cleaned or sanitized, the date and time when each C-I-P system was cleaned and sanitized, the temperature of the cleaning

and sanitizing solutions, and the length of time for which the C-I-P system was exposed to the cleaning and sanitizing solutions. Records shall be signed or initialed by a responsible person at the dairy plant. The division shall review the records as part of every routine inspection of the dairy plant.

**(3)** CONSTRUCTION PLANS. (a) Before installing or modifying any C-I-P system, the dairy plant operator shall submit to the division a plan for the installation or modification. The plan shall clearly describe each C-I-P circuit in the installed or modified system, including the size and length of piping, fittings, pitch, drain points, access points, relative elevations, locations and specifications of circulating units, and other features of the system.

(b) Plans for a C-I-P system under par. (a) shall include the manufacturer's specifications for the system, including the manufacturer's specifications for operating, maintaining, cleaning, and sanitizing the system.

(c) Within 20 business days after any person files plans with the divison under this subsection, the division shall return its comments or objections, if any, in writing.

**ATCP 65.32 Dairy product packages. (1)** GENERAL. (a) Dairy product packages shall be of sanitary design and construction. Packages shall be designed and constructed to protect packaged dairy products from reasonably foreseeable contaminants.

(b) Product contact surfaces of dairy product packages shall be smooth, nontoxic, noncorrosive, nonabsorbent, and durable under foreseeable use conditions. Product contact surfaces shall not impart any odor, color, taste, or adulterating substance to packaged dairy products.

(c) Dairy product packages shall be clean, sanitary, and free of any extraneous or deleterious substance. Dairy products shall not be sold or distributed in packages that are damaged to the

extent that package contents may be adulterated as a result of the damage. A sealed package is unacceptably damaged if the seal is broken.

(d) Single-service packages shall be made of clean and sanitary materials, shall be protected from contamination prior to use, shall be handled in a sanitary manner, and shall be clean and sanitary at the time of use. Single service packages shall not be re-used.

**(2)** GRADE A DAIRY PRODUCT PACKAGES. (a) The residual bacteria count on product contact surfaces of grade A dairy product packages shall not exceed one per milliliter of capacity when the rinse test is used, or 50 colonies per 8 square inches (one per square centimeter) when the swab test is used, in 3 out of 4 samples randomly taken and analyzed on a given day. Product contact surfaces shall be free of coliform organisms.

(b) A grade A dairy product package shall be designed so that the product, the package pouring lip if any, and the package opening rim and area are protected from contamination during handling, storage, and initial opening. A grade A dairy product package shall be designed so that it cannot be opened without breaking the cap or closure seal, or leaving other readily apparent evidence that the package has been opened.

(c) Product contact surfaces of multi-use packages used for grade A milk or dairy products shall be constructed of one or more of the following materials unless another material is specifically authorized by the division in writing:

1. Stainless steel of the Iron and Steel Institute 300 series or an equally corrosion resistant metal.

2. Heat resistant glass.

3. Plastic materials that maintain their original properties under repeated use conditions; that are fat resistant and insoluble; and that are resistant to scratching, scoring, decomposition, crazing, chipping, and distortion under normal use conditions.

(d) Product contact surfaces of multi-use packages used to contain grade A milk or dairy products shall have rounded corners, and shall be easily cleanable.

(e) Multi-use packages used to contain grade A milk or dairy products shall be effectively cleaned and sanitized before being reused. Cleaning and sanitizing procedures shall remove all extraneous matter and potential adulterants from each package. Sanitizing procedures shall comply with s. ATCP 65.34. If returnable glass bottles are sanitized in an automatic bottle washer by soaking those bottles in a caustic solution, the sanitizing procedure shall comply with sub. (3).

(f) Multi-use packages used to contain grade A milk or dairy products shall be inspected before they are reused. Inspection shall be adequate to detect extraneous materials, adulterants, and damage to product contact surfaces. Inspection shall be performed on surfaces lighted in compliance with s. ATCP 65.24 (5) (c).

(g) No multi-use plastic package may be reused for grade A milk or dairy products unless that package is tested for the presence of volatile organic compounds before the package is filled. An automatic testing device, capable of detecting volatile organic compounds at levels of public health significance, shall be used to test each package. The testing device shall be installed in conjunction with the dairy product packaging apparatus so that no packages can be filled unless the testing device is operating properly, and so that packages containing unsatisfactory levels of volatile organic compounds are automatically made unusable. The dairy plant operator shall test

the system daily with a test solution consisting of 0.5 ppm petroleum distillate or another test solution approved by the divison.

(h) No plastic multi-use package may be used to contain grade A milk or dairy products unless all of the following requirements are met:

1. The package is identified to show the plant at which the package was manufactured, the date of manufacture, and the type and class of plastic material used. This information may be coded if the code is provided to the division.

2. The phrase "Use only for food" appears on the package.

3. The division has approved a prototype of the package.

(i) Single-service packages used to contain grade A milk or dairy products shall be manufactured by a manufacturer listed in the "Certified Manufacturers of Single-Service Containers and Related Products" published online by the Food and Drug Administration, Public Health Service, United States Department of Health and Human Services.

**Note:** Copies of "Certified Manufacturers of Single-Service Containers and Related Products" are available online at http://www.fda.gov/food/guidanceregulation/federalstatefoodprograms/ucm2007965.htm or from the Milk Safety Team, HFS-626, Food and Drug Administration, Public Health Service, United States Department of Health and Human Services, 5100 Paint Branch Parkway, College Park, MD 20740-3835.

(j) Packaged grade A milk and dairy products shall be conspicuously labeled as grade A milk or dairy products.

**(3)** AUTOMATIC BOTTLE WASHING. (a) Returnable glass bottles cleaned in an automatic bottle washer shall be sanitized while in the washer. Bottles cleaned in an automatic bottle washer may be sanitized by being soaked in a caustic solution. The causticity of the sanitizing solution shall be monitored and maintained at an appropriate level in relation to solution temperature and soaking time. Table 1 shows minimum causticity levels required for sanitizing

solutions (expressed in terms of percent concentration of sodium hydroxide, NaOH, in the sanitizing solution), based on applicable soaking times and temperatures.

(b) After being soaked in caustic solution under par. (a), bottles shall be rinsed with water that has been treated with heat or chemicals to eliminate viable pathogenic or other harmful microorganisms from the rinse water.

**Table 1**
**Minimum Causticity Levels Required for Sanitizing Solutions (% concentration of NaOH), Based on Soaking Time and Temperature**

| Time in Minutes | F 170 C 77 | 160 71 | 150 66 | 140 60 | 130 54 | 120 49 | 110 43 |
|---|---|---|---|---|---|---|---|
| 3 | 0.57 | 0.86 | 1.28 | 1.91 | 2.86 | 4.27 | 6.39 |
| 5 | 0.43 | 0.64 | 0.96 | 1.43 | 2.16 | 3.22 | 4.80 |
| 7 | 0.36 | 0.53 | 0.80 | 1.19 | 1.78 | 2.66 | 3.98 |

**(4)** PACKAGING GRADE A DAIRY PRODUCTS. (a) Grade A dairy products shall be packaged in a sanitary manner at the dairy plant where they are pasteurized.

(b) Grade A dairy products shall be mechanically packaged with equipment approved by the division. Hand capping is prohibited.

(c) A drip deflector, designed and adjusted to deflect condensation away from open packages, shall be installed on each filler valve.

(d) Conveyors that feed packages to packaging machines shall have overhead shields to protect open packages from contamination.

(e) If a filled package is imperfectly sealed, the contents of that package shall be emptied into a sanitary container. The contents shall be discarded, or shall be repasteurized before being repackaged.

**ATCP 65.34 Sanitizers and sanitizing methods. (1)** SANITIZING METHODS. Cleaned product contact surfaces shall be sanitized by one of the following methods:

(a) Complete and continuous exposure to clean water at a temperature of at least 170° F. (70° C.) for at least 5 minutes.

(b) Complete and continuous exposure to steam at a temperature of at least 170° F. (70° C.) for at least 15 minutes, or at a temperature of at least 200° F. (93° C.) for at least 5 minutes.

(c) Complete and continuous exposure for at least 2 minutes to a sanitizing solution containing at least 50 ppm of available chlorine, and having a pH not higher than 8.3, at a temperature not less than 75° F. (24° C.) nor more than 110° F. (44° C.)

(d) Complete and continuous exposure for at least one minute to a sanitizing solution containing at least 12.5 ppm of available iodine, and having a pH not higher than 5.0, at a temperature of not less than 75° F. (24° C.) nor more than 110° F. (44° C.).

(e) Complete and continuous exposure to a caustic sanitizing solution according to s. ATCP 65.32 (3).

(f) Application, according to manufacturer's instructions, of a chemical sanitizer or sanitizing method that has been shown to be as effective as the methods specified under pars. (a) to (d), and that has been approved by the division under sub. (3).

**(2)** SANITIZERS; MAXIMUM CONCENTRATIONS. The use of a sanitizer shall leave no toxic residue on a product contact surface. Sanitizing solutions shall not exceed the maximum concentrations specified by the food and drug administration, United States department of health and human services, under 21 CFR 178.1010. A test kit or other device that measures the concentration of sanitizing solutions in parts per million shall be used as necessary to ensure compliance with this subsection at all times.

**(3)** SANITIZERS; DIVISION APPROVAL. The division shall approve sanitizers and sanitizing methods which the division finds to be safe and effective for sanitizing equipment, utensils, and

multi-use dairy product packages. The division may deny or withdraw approval of any sanitizer or sanitizing method, whether or not approved by any other state or federal agency, if the division determines that the sanitizer or sanitizing method is not safe or effective for the purposes or under the conditions used, or that it adversely affects the sanitary characteristics of equipment, utensils, or dairy product packages.

**Note:** Sanitizers approved under s. 4-501.114, ch. ATCP 75 Appendix (Wisconsin Food Code), are approved by the division.

**ATCP 65.36 Receiving milk and dairy products. (1)** MILK FROM DAIRY FARMS. (a) No dairy plant operator may collect or receive milk from a dairy farm located in this state unless the milk producer holds a current license for that dairy farm under s. 97.22 (2), Stats., and s. ATCP 65.02.

(b) No dairy plant operator may collect or receive a milk shipment from a dairy farm in this state unless a person licensed under s. 97.17 or 98.146, Stats., does all the following before that milk shipment is commingled with milk from any other dairy farm:

1. Collects a sample of milk from the shipment, according to s. ATCP 65.38.

2. Accurately measures and records the temperature and quantity of milk in the shipment.

**Note:** A dairy plant operator shall comply with applicable requirements under subch. V , which requires dairy plant operators to sample and test producer milk and report test results. Dairy plant operators must reject milk shipments and take follow-up action in some cases.

**(2)** GRADE A MILK FROM DAIRY FARMS. No dairy plant operator may collect or receive, as grade A milk, any of the following:

(a) Milk from a dairy farm in this state unless the milk producer holds a current grade A permit for that dairy farm under s. 97.22 (3), Stats., and s. ATCP 65.02 (10).

(b) Milk from a dairy farm in any other state unless the milk producer holds a current grade A permit for that dairy farm from the responsible regulatory authority in that state.

**(3)** BULK MILK TANKER DELIVERIES. (a) No dairy plant operator may receive any fluid milk or dairy products transported in a bulk milk tanker unless the bulk milk tanker operator holds a current license for that bulk milk tanker under s. 97.21 (2) (a), Stats., and s. ATCP 82.02 (1).

(b) No dairy plant operator may receive any grade A milk or grade A fluid milk products transported in a bulk milk tanker unless the bulk milk tanker operator holds, in addition to the license under par. (a), a current grade A permit for that bulk milk tanker under s. 97.21 (2) (b), Stats., and s. ATCP 82.02 (7) or issued by another state's regulatory agency.

(c) Before a dairy plant operator unloads milk from a bulk milk tanker, or commingles it with milk from another milk producer, the dairy plant operator shall test the bulk shipment for drug residues according to s. ATCP 65.72 (3).

**(4)** GRADE A DAIRY PLANT MAY NOT RECEIVE GRADE B MILK. A grade A dairy plant operator may not process grade B milk at a grade A dairy plant unless the division authorizes that processing in writing. A grade A dairy plant operator may not receive, transfer, or process grade A milk or dairy products through the same equipment used to receive, transfer, or process grade B milk or dairy products unless the dairy plant operator first cleans and sanitizes the equipment and makes a record of the cleaning and sanitization.

**(5)** MANUFACTURED DAIRY INGREDIENTS; APPROVED SOURCES. Manufactured dairy ingredients used in the manufacture or processing of dairy products shall originate from dairy plants licensed under s. 97.20, Stats., and this chapter, or licensed or inspected under equivalent laws of other states or nations.

**(6)** RECEIVING FACILITIES. A dairy plant's facilities for receiving milk shipments shall be constructed and maintained in compliance with s. ATCP 65.24, and shall be separated from other areas of the dairy plant as required by s. ATCP 65.24 (7).

**(7)** CLEANING AND SANITIZING BULK MILK TANKERS. A dairy plant operator shall ensure that bulk milk tankers are cleaned and sanitized after each day's use, as required by s. ATCP 82.08.

**(8)** CLEANING AND SANITIZING MILK CANS. If a dairy plant operator receives raw milk in cans, the dairy plant operator shall clean, sanitize, and thoroughly dry those cans before the cans are removed from the dairy plant for reuse. Can washing equipment shall be kept clean and in good repair.

**ATCP 65.38 Collecting milk samples. (1)**SAMPLE REQUIRED. A dairy plant operator who receives a milk shipment from a milk producer shall collect a representative milk sample from that shipment. A person licensed under s. 97.17 or 98.146, Stats., shall collect the sample before the dairy plant operator commingles the milk with milk from any other milk producer or shipment.

**(2)** SAMPLE COLLECTED AT THE DAIRY FARM. A bulk milk weigher and sampler who collects a bulk milk shipment from a dairy farm shall collect the milk sample under sub. (1) for the dairy plant operator, in accordance with ch. ATCP 82. The bulk milk weigher and sampler shall promptly deliver the sample to the dairy plant operator, or to a milk testing laboratory designated by the dairy plant operator.

**(3)**SAMPLE COLLECTED FROM BULK TRANSPORT CONTAINER. A person who receives a bulk transport container at a dairy plant shall collect the milk sample under sub. (1) for the dairy plant operator, in accordance with ch. ATCP 82. The person shall promptly deliver the sample to the dairy plant operator, or to a milk testing laboratory designated by the dairy plant operator.

**(4)** INCREASED SAMPLING FREQUENCY. If milk from any dairy farm violates a standard under s. ATCP 65.70 on any single test, the dairy plant operator shall do one of the following:

**(a)** Collect and test a milk sample from that farm at least once every 2 days until a subsequent test shows that the violation has been corrected.

**(b)** Reject milk shipments from the producer, if the operator is required to reject those milk shipments under s. ATCP 82.10 (4), 65.70 (2) (f), or 65.70 (4).

**ATCP 65.40 Storing and handling milk and dairy products. (1)** GENERAL. Dairy products shall be protected from contamination and decomposition while being received, processed, handled, conveyed, or held at a dairy plant. Dairy products shall be received, processed, handled, conveyed, and held in a manner that keeps the products in a safe, wholesome, and unadulterated condition.

**(2)** STORAGE TEMPERATURES. Milk and dairy products shall be stored at temperatures listed in sub. (a) – (d), unless the division has authorized alternative temperature limits in writing. An authorization by the division shall be valid for 5 years, and may be renewed upon a written request from the dairy plant operator.

(a) Raw grade A milk and grade A dairy products received for processing at a dairy plant shall be kept at a temperature of 45° F. (7° C.) or less until pasteurized or, if pasteurization is not required, until processed. This paragraph does not apply to raw grade A milk received at a dairy plant within 2 hours after milking, provided that the raw milk is held in compliance with par. (d).

(b) Except as provided under par. (a), raw milk and other dairy products received for processing at a dairy plant shall be kept at a temperature of 50° F. (10° C.) or less until pasteurized or, if pasteurization is not required, until processed. This paragraph does not apply to raw milk received at a dairy plant within 2 hours after milking, provided that the raw milk is held in compliance with par. (d).

(c) Pasteurized grade A dairy products, after being pasteurized, shall be cooled to a temperature of 45° F. (7° C.) or less, and shall then be kept at that temperature at all times. This paragraph does not apply to a grade A cultured dairy product while being cultured, to a dried milk product, or to a grade A dairy product that is sterilized and packaged in a hermetically sealed package.

(d) No milk or dairy product may be held at a dairy plant for more than 4 hours at a temperature that is between 45° F. (7° C.) and 140° F. (60° C.). This paragraph does not apply to any of the following:

1. Grade A cultured dairy products while being cultured.

2. Dried dairy products.

3. Butter micro-fixing.

4. Cheese while being cured, ripened, or tempered for further processing.

5. Pasteurized cream while being ripened for churning into butter.

6. Whey and whey products during the process of crystallation.

7. Acid whey with titratable acidity of not less than 0.40% (expressed as % lactic acid), or a pH of not higher than 4.6.

8. Dairy products that are sterilized and packaged in hermetically sealed packages.

9. Grade B whey held, transported, received, and then either immediately processed or cooled to 50°F or colder not more than 8 hours after its generation at a licensed dairy plant.

**(3)** PASTEURIZATION. Dairy products shall be pasteurized in compliance with subch. IV.

**(4)** STORING DAIRY PRODUCTS AND INGREDIENTS. (a) Areas used to store dairy products and ingredients shall be kept in a clean, sanitary, and orderly condition, free from conditions that may adulterate dairy products or dairy product ingredients.

(b) Dairy products shall be stored at temperatures specified under sub. (2). Other potentially hazardous foods, including potentially hazardous ingredients used in dairy products, shall be stored at safe temperatures as defined in s. ATCP 65.01 (60).

(c) Dairy products and ingredients shall be stored in an orderly manner, so that storage areas can be easily inspected and cleaned. Dairy products and ingredients may not be stored under conditions that may cause adulteration. Storage areas shall be constructed and maintained so that waste liquids do not accumulate in those areas.

(d) Dairy products and ingredients may not be stored in a manner which may attract or harbor pests. No pesticides or other toxic materials may be stored in a manner that may contaminate dairy products, dairy product ingredients, or packaging materials.

**(5)** REPROCESSING AND DISPOSAL OF DAIRY PRODUCTS. (a) A dairy plant operator may not reprocess, for use in any dairy product, packaged grade A dairy products that have left the custody of the dairy plant or that have originated from another dairy plant. This does not prohibit any of the following:

1. The use, as ingredients, of packaged dairy products that are specifically manufactured and packaged for use as ingredients in other dairy products.

2. Reprocessing dry milk and dry milk products returned to the dairy plant, provided that the products' package is intact.

3. Reprocessing dairy products collected from a packaging defoamer system or drained from processing equipment at the end of a run, if those dairy products are collected and handled in a sanitary manner, held at a temperature of 45° F. (7° C.) or less, and re-pasteurized.

4. Reprocessing specifically authorized in writing by the division, under conditions specified by the division.

(b) A dairy plant operator shall discard any packaged grade A dairy products that are returned to a dairy plant by a wholesaler or retailer. Pending disposal, returned grade A dairy products shall be kept in an area which is clearly designated as a holding area for returned products. The holding area shall be separate from other areas used for the receipt, storage, or processing of dairy products.

(c) A dairy plant operator shall discard all milk and dairy products that have spilled, overflowed, or leaked from equipment, utensils, or packages. This paragraph does not apply to milk and dairy products caught and collected in a sanitary manner, in equipment specifically designed for that purpose.

**(6)** DAIRY PRODUCTS INTENDED FOR NON-FOOD USE. Milk and dairy products not intended for human consumption shall be clearly and conspicuously labeled as being not for use as human food. No person may repackage or sell, for use as human food, any milk or dairy products labeled or intended for non-food use.

**Note:** The manufacture and sale of animal feed is subject to separate licensing and regulation under s. 94.72, Stats.

**(7)** RECONSTITUTED OR RECOMBINED DAIRY PRODUCTS; PASTEURIZATION. (a) A dairy plant operator shall pasteurize reconstituted or recombined dairy products after those dairy products are reconstituted or recombined, except where the resulting product is exempt from pasteurization under s. ATCP 65.54 (2).

(b) A dairy plant operator may not commingle pasteurized dairy products with unpasteurized milk or dairy products unless the dairy plant operator pasteurizes the resulting product or the resulting product is exempt from pasteurization under s. ATCP 65.54 (2).

(c) A dairy plant operator shall take effective measures to prevent cross contamination between pasteurized and unpasteurized dairy products.

**(8)** PRESSURIZED AIR AND STEAM; CONTACT WITH DAIRY PRODUCTS. Pressurized air and steam coming in contact with a dairy product or product contact surface shall be clean, safe, and free of contaminants. The system used to generate and supply pressurized air and steam shall comply with applicable "3-A Sanitary Standards" and "3-A Accepted Practices" listed in APPENDIX A to this chapter.

**Note:** The "3-A Sanitary Standards" and "3-A Accepted Practices" listed in APPENDIX A are published by 3-A Sanitary Standards, Inc., 1451 Dolley Madison Boulevard, Suite 210, McLean, VA 22101-3850, telephone (703)790-0295, website www.3-a.org. Copies are on file with the division and the legislative reference bureau. Copies may be purchased from the "3-A Sanitary Standards, Inc. Online Store" at http://www.techstreet.com.

**(9)** FIRE, FLOOD, OR CASUALTY DAMAGE. If a dairy product or ingredient is subjected to possible contamination in a fire, flood, or other casualty, no person may sell or reprocess that product or ingredient for human consumption unless the division first inspects the product or ingredient and authorizes its sale or reprocessing for human consumption. A dairy plant operator shall notify the division whenever dairy products or ingredients in the operator's possession have been subjected to possible damage or contamination because of fire, flood, or other casualty.

**ATCP 65.42 Recall plan.** (1) PLAN REQUIRED. A dairy plant operator shall have a written plan for identifying and recalling milk and dairy products processed at that dairy plant, should a recall become necessary. The dairy plant operator shall update the plan as necessary, and shall make it available to the division for inspection and copying upon request.

(2) PLAN CONTENTS. A plan pursuant to sub. (1), shall do all of the following:

(a) Identify key individuals or positions that are responsible for planning, approving and implementing recalls on behalf of the dairy plant operator.

(b) Identify key individuals or entities to be contacted or consulted in connection with a recall.

(c) Include procedures for the routine identification, dating and tracking of milk and dairy product lots, so that in a recall the affected lots can be identified and distinguished from unaffected lots.

(d) Include procedures to enable routine identification, dating and tracking of milk and dairy product shipments from the dairy plant. Tracking shall identify shipment recipients and contents, cross–referenced to lots, so that in a recall recipients of affected lots can be contacted.

(e) Include procedures for determining the nature and scope of a recall, including affected milk and dairy product lots, shipments and shipment recipients.

(f) Include procedures for identifying and communicating with affected persons, including suppliers, milk and dairy product shipment recipients, down-line buyers, consumers, government agencies and others.

(g) Identify potential target audiences for recall information, including consumers, distributors and government agencies.

(h) Identify potential methods for communicating with target audiences under par. (g).

(i) Identify key information, including the identity of the affected milk and dairy products, the reason for the recall, and suggested actions to be taken by affected persons, which actions may be necessary to communicate to affected persons in a recall.

**ATCP 65.44 Dairy plant records. (1)** MANDATORY RECORDS. A dairy plant operator shall keep all of the following records, and shall retain those records for the period of time specified under this subsection:

(a) Records related to milk receipts and producer payrolls, as required by s. ATCP 100.32 (1). Records under this paragraph shall include milk collection records received from bulk milk

weighers and samplers under s. ATCP 82.10 (10). Records under this paragraph shall be retained for at least 3 years.

(b) Records of all dairy product ingredients received at the dairy plant, including the sources from which the ingredients were received. Records under this paragraph shall be retained for at least one year.

(c) Daily records of all finished products produced at the dairy plant. Records under this paragraph shall be retained for at least one year.

(d) Records of all milk quality tests and sediment tests conducted on milk shipments received by the dairy plant operator, including but not limited to tests required under subch. V. Records under this paragraph shall be retained for at least 2 years.

(e) Records of all in-plant tests, performed by a dairy plant operator on milk and dairy products held or processed by the dairy plant operator, to determine bacterial counts or identify possible adulteration of that milk or those dairy products. Records under this paragraph shall be retained for at least one year.

(f) Records of private water supply tests, if any, conducted under s. ATCP 65.24 (8). Records under this paragraph shall be retained for at least one year.

(g) Cleaning and sanitizing records for all C-I-P systems, as required under s. ATCP 65.30. (2) (b). Records under this paragraph shall be retained for at least 6 months. Records may be stored in electronic form, with or without hard copy printouts, if the electronic records are readily accessible by a division representative.

(h) A record of every calibration, daily performance check, daily reference check, and hourly reference check performed on a milkfat or protein testing device, as required by s. ATCP 65.84 (10). Records under this paragraph shall be retained for at least one year.

(i) Pasteurization records required under s. ATCP 80.50. Records under this paragraph shall be retained for at least 6 months.

(j) Cleaning and sanitizing records for bulk milk tankers cleaned and sanitized at a dairy plant, as required under s. ATCP 82.08 (4). Records under this paragraph shall be retained for at least 15 days.

(k) Temperature records made by the dairy plant operator, including records of dairy product temperatures, storage temperatures, and processing temperatures. Except where a longer retention period is required for specific temperature records under this chapter, records under this paragraph shall be retained for at least 6 months.

(L) Inventory control records for vitamin fortification of fluid milk products, including vitamins used and the quantity of fortified fluid milk products produced. Records under this paragraph shall be retained for at least 2 years.

(m) Vitamin assay test results conducted on fortified dairy products under s. ATCP 65.74 (4). Records under this paragraph shall be retained for at least 2 years.

(n) Cleaning and sanitizing records required under s. ATCP 65.28 (7) (g). Records under this paragraph shall be retained for at least 6 months.

(o) Bills of lading or other shipping documents relating to the bulk shipment of dairy products from the dairy plant to another dairy plant, or to the dairy plant from another dairy plant. The dairy plant operator shall retain each shipping document for at least 3 years. Each shipping document shall include all of the following information:

1. The name, address, and license number of the dairy plant from which the shipment originates. If the dairy product is a grade A dairy product, the shipping document shall also include the dairy plant shipper identification number assigned under the PMO.

2. If the dairy product was shipped in a bulk milk tanker, the bulk milk tanker identification number assigned under ch. ATCP 82 or the PMO, and the seal number on the bulk milk tanker inlet, outlet, wash connections and vents.

3. The name of the dairy product shipped.

4. The weight of the dairy product shipped.

5. The temperature of the dairy product when loaded for shipment.

6. The date of shipment.

7. The name of the dairy regulatory agency at the shipment point of origin.

8. Whether the dairy product was raw, pasteurized, or treated with heat to an extent less than pasteurization.

9. The grade of product.

**(2)** ACCESSIBILITY OF RECORDS; ELECTRONIC RECORDS. Records under sub. (1) shall be kept at the dairy plant, and shall be made available to the division for inspection and copying upon request. Records may be kept in electronic form, with or without hard copy printouts, if the electronic records are readily accessible to a division representative and the dairy plant operator maintains secure electronic backup.

**ATCP 65.46 Dairy plant reports to department. (1)** REPORTS RELATED TO LICENSES, PERMITS, FINANCIAL STATEMENTS AND MILK QUALITY. A dairy plant operator shall submit all of the following reports to the department:

(a) Reports required for the issuance or renewal of a dairy plant license or grade A permit under s. ATCP 65.02.

(b) Financial statements and reports required under ch. ATCP 100, if any.

(c) Milk quality test reports required under subch. V and dairy farm inspection reports required under ss. ATCP 65.910 and 65.912.

**(2)** REPORTS RELATED TO RESULTS OF PRODUCT TESTING FOR MICROBIAL PATHOGENS OR TOXINS. (a) Except as provided in par. (b), a dairy plant operator shall report to the division the result of any microbiological test or laboratory analysis that confirms the presence of a pathogenic organism or toxin in a ready-to-eat dairy product produced by the operator. The operator shall report to the division within 24 hours after the operator obtains the test result. The operator may report orally, electronically, or in writing.

(b) A dairy plant operator is not required to report a test result under par. (a) if all the following apply:

1. The ready-to-eat dairy product is identified by a product code or production lot number and remains under the control or custody of the dairy plant operator.

2. The operator does not sell or distribute any ready-to-eat dairy product that bears the product code or production lot number under subd. 1.

**ATCP 65.48 Confidential information. (1)** The following information, received by the department from a dairy plant operator, is not subject to public inspection under s. 19.35, Stats.:

(a) Financial information protected from disclosure under s. 126.84 (1) (a), Stats.

(b) Information qualifying as a trade secret as defined in s. 134.90 (1) (c), Stats.

**(2)** The following information, received by the department from a dairy plant operator, is not subject to public inspection under s. 19.35, Stats., unless the department determines that inspection is necessary to protect the public health, safety, or welfare:

(a) Information that identifies individual milk producers who deliver milk to the dairy plant operator if the information is in the form of a composite list identifying those producers with that dairy plant operator, except as provided under s. 126.70 (6), Stats.

**Note:** See s. 97.20 (3m), Stats.

(b) Information pertaining to individual milk producer production and milk quality records if that information identifies the producer.

**Note:** See s. 97.22 (10), Stats.

**ATCP 65.50 Dairy product labeling. (1)** GENERAL. Dairy product labeling shall comply with applicable requirements in ch. 97, Stats., this chapter, and chs. ATCP 81, 83, 85 and 90.

**(2)** PRODUCTS NOT FOR HUMAN CONSUMPTION. No dairy plant operator may distribute any dairy product manufactured by that dairy plant operator unless one of the following applies:

(a) The dairy product complies with, and has been produced according to, this chapter and ch. ATCP 82.

(b) The dairy product is prominently labeled as animal feed, according to ch. ATCP 42.

(c) The dairy product is prominently labeled as "NOT FOR HUMAN FOOD OR ANIMAL FEED," and is sold only for non-food and non-feed purposes. The label shall include the manufacturer's name and address, and the address where the product was manufactured. The label may not include any dairy plant license or identification number issued by the department.

## Subchapter IV – Pasteurization

**ATCP 65.52 Raw milk sales prohibited; exemptions.** No person may sell or distribute unpasteurized fluid milk or milk products to consumers, or to any person for resale or redistribution in unpasteurized form to consumers. This section does not prohibit any of the following:

(1) The sale or distribution of fluid milk or milk products that are heat sterilized in hermetically sealed containers.

(2) The distribution of unpasteurized fluid milk, produced on a dairy farm, to any of the following:

(a) The milk producer who is licensed under s. ATCP 65.02 (1) to operate that dairy farm, and who, as license holder, assumes legal responsibility for dairy farm and milking operations.

(b) An individual who has a bona fide ownership interest in the dairy farm and milking operation under par. (a), if the milk producer operating the dairy farm and milking operation is a legal entity other than an individual or married couple.

(c) A family member or nonpaying household guest who consumes the milk at the home of an individual milk producer or bona fide owner under par. (a) or (b).

(3) The sale or distribution of unpasteurized milk, produced on a dairy farm, to the employees of that dairy farm.

(4) The incidental sale of unpasteurized milk to a consumer at the dairy farm where the milk is produced. A sale is not incidental if the consumer subsequently sells the milk or distributes the milk, other than distribution for consumption by the consumer, the consumer's family, or the consumer's nonpaying household guests. A sale is not incidental if it is made in the regular course of business, or is preceded by any advertising, offer or solicitation made to the general public through any communications medium.

**ATCP 65.54 Pasteurization required. (1)** Except as provided under sub. (2), every dairy product shall be pasteurized at the dairy plant where that dairy product is manufactured.

(2) Subsection (1) does not apply to any of the following:

(a) A dairy product shipped in bulk to another dairy plant for use in manufacturing dairy products, provided that the shipment is accompanied by a bill of lading that identifies the dairy product as unpasteurized.

(b) A dairy product made entirely from dairy products that have been pasteurized at the same dairy plant.

(c) Ice cream or frozen dessert made from pasteurized ice cream mix or pasteurized frozen-dessert mix, provided that no unpasteurized dairy product is added to the pasteurized mix.

(d) A dairy product for which the standard of identity provides that the dairy product and its ingredients need not be pasteurized.

(e) A dairy product that is sterilized and packaged in a hermetically sealed package.

(f) Cream, skim milk, or lowfat milk which have been treated with heat to an extent less than pasteurization, and then shipped in bulk to another dairy plant for use in manufacturing dairy products, provided that the bulk shipment is accompanied by a bill of lading that identifies the contents of the bulk shipment as being unpasteurized and heat-treated. The heat-treated cream, skim milk, or lowfat milk may be heated not more than once for separation purposes, to a temperature that is not less than 125° F. (52° C.) nor more than 161° F. (72° C.). Heat-treated cream may be heated to a greater extent, up to a temperature of 166° F. (75° C.) in a continuing heating process, if further heating is necessary to deactivate enzymes for functional reasons. Cream, skim milk, and lowfat milk, after being heated to an extent less than pasteurization, shall immediately be cooled to a temperature of 45° F. (7° C.) or less.

(g) Dried condensed whey produced by drying condensed whey which was previously pasteurized at another dairy plant, provided that all of the following apply:

1. The pasteurized condensed whey received for drying contained at least 40% total solids, and was partially crystallized by cooling at the dairy plant where it was pasteurized.

2. The partially crystallized condensed whey was kept at a temperature of 45° F. (7° C.) or less prior to drying.

3. The bulk milk tanker used to transport the partially crystallized condensed whey was washed and sanitized immediately prior to filling, was sealed immediately after filling, and remained sealed until it was unloaded at the receiving dairy plant.

4. The receiving dairy plant unloaded the partially crystallized condensed whey using unloading pumps and pipelines that are used only for that purpose, and cleaned and sanitized the pumps and pipelines as a separate cleaning circuit before use in unloading.

(h) Grade B dairy products produced by adding previously pasteurized and dried dairy products with a low water activity to previously pasteurized grade B dairy products, if approved by the division.

(i) Grade B dairy products produced by adding previously pasteurized packaged dairy products to previously pasteurized grade B dairy products, if approved by the division.

(j) A dairy product shipped in bulk to a licensed food processing plant for use in manufacturing food products, provided that the shipment is accompanied by a bill of lading which identifies the dairy product as unpasteurized and that the food processing plant will use a recognized treatment step in processing to render the dairy product safe.

**(3)** A dairy product that is required to be pasteurized under sub. (1) shall be pasteurized by, or under the direct supervision of, a pasteurizer operator who has successfully completed at least one of the following:

(a) A pasteurization training course of at least 8 hours duration provided by the university of Wisconsin, or an equivalent course approved by the division.

(b) A competency examination approved by the division.

**(4)** If a dairy product standard of identity requires that any ingredient of that product be pasteurized, the ingredient shall be pasteurized according to s. ATCP 65.58.

**(5)** Except as provided in subs. (6) to (8), a dairy product that is required to be pasteurized under sub. (1) or (4) shall be pasteurized before it is introduced into any membrane or condensing processing system.

**(6)** Subsection (5) does not apply to grade B whey or whey product if at least one of the following applies:

(a) The whey or whey product is derived from milk pasteurized in the same dairy plant.

(b) The whey is acid whey, which has a pH less than 4.7 when drawn from the curd.

(c) The whey or whey product is processed in a membrane processing system that complies with sub. (9) and is designed and maintained to keep the whey or whey product at a temperature of 65° F. (18.3° C.) or below during processing. If the whey or whey product temperature exceeds 65° F. (18.3° C.) for more than 15 minutes during processing, or exceeds 70° F. (21.1° C.) at any time during processing, the whey or whey product shall be immediately diverted from moving beyond the membrane processing system by means of automatic controls. The diverted product shall be treated in one of the following ways:

1. Recycled through the membrane processing system and subjected to cooling. The diverted product may proceed beyond the membrane processing system when the product temperature falls to 65° F. (18.3 ° C.) or below.

2. Cooled in a system other than the membrane processing system until the temperature falls to 45° F. (7° C.) or below, and may then be reintroduced into the membrane processing system.

3. Pasteurized in a pasteurization system, and may then be reintroduced into the membrane processing system.

4. Discarded.

**(7)** Subsection (5) does not apply to grade A whey or whey product that is pasteurized in a membrane processing system that complies with sub. (9) if at least one of the following apply:

(a) The whey is acid whey, which has a pH less than 4.7 when drawn from the curd.

(b) The membrane processing system is designed and maintained to keep the whey or whey product at a temperature of 45° F. (7° C.) or below during processing.

**(8)** Subsection (5) does not apply to raw milk that is processed, prior to pasteurization, in a membrane processing system that complies with sub. (9) and is designed and maintained to keep the milk at a temperature of 65° F. (18.3° C.) or below during processing. If the milk temperature exceeds 65° F. (18.3 ° C.) for more than 15 minutes during processing, or exceeds 70° F. (21.1° C.) at any time during processing, the milk shall be immediately diverted from moving beyond the membrane processing system by means of automatic controls. The diverted milk shall be treated in one of the following ways:

(a) Recycled through the membrane processing system and subjected to cooling. The diverted product may proceed beyond the membrane processing system when the product temperature falls to 65° F. (18.3° C.) or below.

(b) Cooled in a system other than the membrane processing system until the temperature falls to 45° F. (7° C.) or below, and may then be reintroduced into the membrane processing system.

(c) Pasteurized in a pasteurization system, and may then be reintroduced into the membrane processing system.

(d) Discarded.

**(9)** A membrane processing system under sub. (6) (c), (7), or (8) shall be equipped with temperature monitoring and recording devices that comply with PMO Appendix H, Subsection IV. At a minimum, the system shall monitor and record product temperature at each of the following points during processing:

(a) The point at which the dairy product enters the system.

(b) A point immediately preceding each intermediate cooling.

(c) A point immediately preceding final cooling.

(d) The point at which the product exits the system.

**Note:** PMO Appendix H, Subsection IV is on file with the division and the legislative reference bureau. Copies may be obtained from the division at cost or online at http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk.

**ATCP 65.56 Labeling pasteurized and unpasteurized products (1)** If a dairy product is pasteurized or made exclusively from pasteurized ingredients, the label on every shipping container of that dairy product shall clearly and conspicuously state that the product is pasteurized. If a grade A dairy product is pasteurized or made exclusively from pasteurized ingredients, the label on every shipping container and consumer package of that grade A dairy product shall clearly and conspicuously state that the grade A dairy product is "pasteurized" or "UHT pasteurized," if appropriate. Every label under this subsection shall also include the name and address, or the unique identification number, of the dairy plant where the dairy product was pasteurized.

**(2)** Except as provided under sub. (3) or (4), if a dairy product is not pasteurized or made exclusively from pasteurized ingredients, the label on every shipping container and consumer package of that dairy product shall state that the product is unpasteurized.

**(3)** Subsection (2) does not apply to cheese that meets all of the following requirements:

(a) The standard of identity for the cheese provides that the cheese may be made from unpasteurized dairy products.

(b) The cheese is held for at least 61 days at a temperature not less than 35°F before being distributed for retail sale, or for further processing without pasteurization.

(c) The label on every shipping container and consumer package of cheese states that the cheese is "aged over 60 days."

**(4)** Subsection (2) does not apply to a dairy product that is sterilized and sealed in a hermetically sealed container.

**Note:** See dairy product labeling requirements in subch. III.

**ATCP 65.58 Pasteurization time and temperature (1)** If a dairy product is required to be pasteurized under s. ATCP 65.54, the dairy product shall be pasteurized according to this section unless the division authorizes a different but equally effective pasteurization method in writing. Alternative methods of pasteurization of grade A products must be recognized by the United States food and drug administration. Every particle of the dairy product shall be heated to the required temperature and continuously held at or above the required temperature for the required period of time. Pasteurization equipment shall be equipped with accurate measuring, recording, and control devices, as required by ss. ATCP 65.60 and 65.62, to ensure that the time and temperature requirements under this section are met.

**(2)** Dairy products identified in table 2, unless UHT pasteurized under sub. (3), shall be pasteurized in a batch pasteurizer tested in accordance with s. ATCP 65.68 or HTST pasteurizer

tested in accordance with s. ATCP 65.68 at or above the temperature specified in the table for at least the length of time specified in the table.

**Table 2**
**Pasteurization Requirements for Selected Dairy Products**

| | Product Group | Batch Pasteurization | HTST Pasteurization |
|---|---|---|---|
| (a) | Milk, skim milk, or buttermilk | 145°F.(63° C.) for 30 minutes | 161°F. (72°C.) for 15 seconds |
| (b) | Cream, fluid dairy products, or blends of those products | 150°F. (66° C.) for 30 minutes | 166°F. (75°C.) for 15 seconds |
| (c) | Cream for butter | 165°F. (74°C.) for 30 minutes | 185°F. (85° C.) for 15 seconds |
| (d) | High total solids products (>18%) | 150°F. (66° C.) for 30 minutes | 166° F. (75° C.) for 15 seconds |
| (e) | Frozen-dessert mixes | 155° F. (69°C.) for 30 minutes | 175°F. (80°C.) for 25 seconds or 180° F. (83°C.) for 15 seconds |
| (f) | Egg nog | 155° F. (69°C.) for 30 minutes | 175° F. (80° C.) for 25 seconds or 180° F. (83°C.) for 15 seconds |
| (g) | Process cheese | 150°F. (66° C.) for 30 seconds | _ |

**(3)** A dairy plant operator may use an HHST pasteurizer as an alternative to an HTST pasteurizer. An HHST pasteurizer shall operate at temperatures of 191° F. (89° C.) and above with holding times of 1 second or less. An HHST pasteurizer shall heat and hold a dairy product at one of the following temperatures for the corresponding length of time:

(a) 191° F. (89° C.) for 1.0 sec.

(b) 194° F. (90° C.) for 0.5 sec.

(c) 201° F. (94° C.) for 0.1 sec.

(d) 204° F. (96° C.) for 0.05 sec.

(e) 212° F. (100° C.) for 0.01 sec.

**(4)** A UHT pasteurized dairy product shall be thermally processed at or above a temperature of 280° F. (138° C.) for at least 2 seconds in order to destroy microbes in the dairy product.

**ATCP 65.60 Batch pasteurization.** Batch pasteurization equipment shall be of the non-coil type. Batch pasteurization equipment shall be constructed and operated so that pasteurization complies with item 16p (A) of the PMO and with applicable "3-A Sanitary Standards" and "3-A Accepted Practices" listed in Appendix A to this chapter. Thermometers shall be constructed and operated in compliance with PMO Appendix H, item IV. The temperature of the air space above the pasteurized product shall be at least 5° F. (3° C.) higher than the minimum pasteurization temperature of the pasteurized product.

**Note:** The "3-A Sanitary Standards" and "3-A Accepted Practices" listed in Appendix A are published by 3-A Sanitary Standards, Inc., 1451 Dolley Madison Boulevard, Suite 210, McLean, VA 22101-3850, telephone (703) 790-0295, website www.3-a.org. Copies are on file with the division and the legislative reference bureau. Copies may be purchased from the "3-A Sanitary Standards, Inc. Online Store" at http://www.techstreet.com. Copies of the PMO are on file with the division and the legislative reference bureau. Copies may be obtained from the division at cost or are available online at

**ATCP 65.62 HTST and HHST pasteurization.** Pasteurization by means of HTST or HHST pasteurization shall comply with the standards set forth in "3-A Accepted Practices for the Sanitary Construction, Installation, Testing and Operation of High-Temperature Short-Time and Higher Heat Shorter Time Pasteurizer Systems," standard 3A 603-07 (November, 2005), published by 3-A Sanitary Standards, Inc.

**Note:** Copies of the "3-A Accepted Practices for the Sanitary Construction, Installation, Testing, and Operation of High-Temperature Short-Time and Higher Heat Shorter Time Pasteurizer Systems," standard 3A 603-07 (November, 2005) are on file with the division and the legislative reference bureau. Copies may be obtained from the "3-A Sanitary Standards, Inc. Online Store" at http://www.techstreet.com.

**ATCP 65.64 Aseptic processing and packaging. (1)** GRADE A REQUIREMENTS. Grade A aseptic processing and packaging systems shall comply with standards specified in PMO items 16p (B), (C), and (D) and with standards specified by the food and drug administration, United States department of health and human services, under 21 CFR 113 and 21 CFR 114.

**(2)** GRADE B REQUIREMENTS. Grade B aseptic processing and packaging systems shall comply with standards specified by the food and drug administration, United States department of health and human services, under 21 CFR 113 and 21 CFR 114.

**Note:** The PMO is on file with the division and the legislative reference bureau. Copies may be obtained from the division at cost or online at http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk.

**ATCP 65.66 Pasteurization records. (1)** GENERAL. A dairy plant operator shall keep pasteurization records for all dairy products pasteurized by the operator. Records shall cover all types of pasteurization operations, including batch operations, HTST operations, and HHST operations. Records shall comply with this section. The department shall review pasteurization records as part of each routine inspection of a dairy plant.

**(2)** BATCH PASTEURIZATION RECORDS. Except as provided in sub. (3), batch pasteurization records shall include all the following:

(a) Each date on which dairy products are pasteurized.

(b) The identification number or location of each pasteurization time and temperature recording chart, if more than one is used.

(c) A continuous temperature recording chart temperature record for each batch of pasteurized product.

(d) The pasteurization holding time, as shown on the temperature recording chart, for each batch of pasteurized product. Records shall include filling and emptying times, if applicable.

(e) The temperature reading on the airspace thermometer at the start and end of the pasteurization holding period, and at specific times identified as points on the temperature recording chart.

(f) The temperature reading on the indicating thermometer at the start of the pasteurization holding period, and at a specific time identified as a point on the temperature recording chart.

(g) The name and quantity of dairy product included in each pasteurization batch shown on the temperature recording chart.

(h) A record of any unusual circumstances that occurred during each batch pasteurization.

(i) The name of the dairy plant.

(j) The signature or initials of the dairy plant operator, or a responsible employee or agent of the operator.

**(3)** HTST AND HHST PASTEURIZATION RECORDS. Pasteurization records for HTST and HHST pasteurization operations shall include all the following:

(a) Each date on which dairy products are pasteurized.

(b) The identification number or location of each pasteurization time and temperature recording chart, if more than one is used.

(c) A continuous temperature recording chart for each pasteurization run.

(d) The temperature reading on the indicating thermometer at the start of each pasteurization run, and at a specific time identified as a point on the temperature recording chart.

(e) Documentation, on the temperature recording chart, of every time period during which the flow-diversion device on the pasteurizer is in the forward-flow position.

(f) The cut-in and cut-out product temperatures at the beginning of each HTST pasteurization run. The pasteurizer operator shall record these temperatures daily on the temperature recording chart.

(g) The temperature reading on the indicating thermometer whenever the temperature recording chart for the pasteurization system is changed.

(h) The name and quantity of dairy product included in each pasteurization run shown on the temperature recording chart.

(i) A record of any unusual circumstances that occurred during each pasteurization run.

(j) The name of the dairy plant.

(k) The signature or initials of the dairy plant operator, or a responsible employee or agent of the operator.

**(4)** FLOW RECORDS FOR HTST AND HHST PASTEURIZERS WITH METER BASED TIMING SYSTEMS. In addition to requirements in sub. (3), pasteurization records for HTST and HHST pasteurization operations with meter based timing systems shall include all of the following:

(a) Each date on which dairy products are pasteurized.

(b) The identification number or location of each pasteurization time and flow-rate recording chart, if more than one is used.

(c) A continuous flow-rate recording chart record of the flow rate.

(d) A continuous flow-rate recording chart record of the status of the high and low flow/loss of signal alarms.

(e) The name and quantity of dairy product pasteurized in each pasteurization run shown on the flow-rate recording chart.

(f) A record of any unusual circumstances that occurred during each pasteurization run.

(g) The name of the dairy plant.

(h) The signature or initials of the dairy plant operator, or a responsible employee or agent of the operator.

**ATCP 65.68 Pasteurizer testing. (1)** GENERAL. The division shall test and seal pasteurization systems according to this section. Except as provided under sub. (6), no person may use any pasteurization system to pasteurize grade A or grade B dairy products unless that system bears the unbroken seals applied by the department under sub. (5).

**(2)** TEST PROCEDURE. The division shall test grade A and grade B pasteurization systems according to the procedure specified in PMO Appendix I.

Note: PMO Appendix I is on file with the division and the legislative reference bureau. Copies may be obtained from the division at cost or online at http://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/Milk.

**(3)** TEST FREQUENCY; GRADE A PASTEURIZERS. The division shall test each grade A pasteurization system at the following times:

(a) Before the pasteurization system is first put into operation.

(b) At least once every 3 months, except that a holding time test may be conducted at least once every 6 months.

(c) Whenever a seal under sub. (5) is broken.

**(4)** TEST FREQUENCY; GRADE B PASTEURIZERS. The division shall test a grade B pasteurization system at the following times:

(a) Before the pasteurization system is first put into operation.

(b) At least once every 12 months.

(c) Whenever a seal under sub. (5) is broken.

**(5)** DEPARTMENT SEALS. When the division's test confirms that a pasteurization system is operating correctly, the division shall apply seals that prevent any alteration of the system that would allow any unpasteurized milk or dairy product to flow through the system.

**(6)** BROKEN SEAL. (a) A dairy plant operator shall notify the division by telephone, electronic mail, or facsimile (FAX) transmission within 2 hours after the dairy plant operator breaks a seal applied by the division under sub. (5), and within 2 hours after a pasteurizing system malfunctions to the possible detriment of public health or safety. The dairy plant operator shall also notify the department in writing, on a form provided by the division, within 5 business days after the seal is broken or the system malfunctions.

(b) A dairy plant operator may not operate a pasteurizer after breaking a seal applied by the department under sub. (5) unless all of the following conditions are met:

1. The dairy plant operator notifies the department under par. (a).

2. The dairy plant operator determines and documents that pasteurization time and temperature requirements under s. ATCP 65.58 are met, and that the pasteurization system is repaired and functioning properly. Time and temperature records required by s. ATCP 65.66 shall be retained for at least 6 months.

3. The dairy plant operator conducts phosphatase tests under par. (d) if the pasteurizer is used to pasteurize milk without added flavors or ingredients other than vitamins. Phosphatase testing shall confirm that pasteurized milk without added flavors or ingredients other than vitamins contains less than 350 milli-units of detectable alkaline phosphatase per liter.

4. A pasteurizer operator qualified under s. ATCP 65.54(3) is present to operate the pasteurizer, or to supervise its operation.

(c) A dairy plant operator may not operate a pasteurizer for more than 10 calendar days after breaking a seal applied by the department under sub. (5) unless one of the following occurs:

1. The division tests the pasteurizer and replaces the broken seal.

2. A dairy plant operator or employee certified under sub. (7) tests the pasteurizer and replaces the broken seal on an interim basis, pending retesting and resealing by the department.

(d) Phosphatase testing under par. (b) 3. shall comply with all of the following requirements:

1. The dairy plant operator shall collect a test sample, directly from the pasteurizer system, at least once during every 4 hours of pasteurizer operations.

2. The dairy plant operator shall store each test sample at a temperature below 45° F. (7° C.) until it is tested, and shall test each sample within 48 hours after it is collected.

3. The dairy plant operator shall test each sample using the Fluorophos ALP method, the Charm Paslite Alkaline Phosphatase method, or another test method approved in writing by the division.

4. Tests shall be performed by an individual who is trained to conduct phosphatase tests on milk. If the dairy plant is a grade A dairy plant, tests shall be performed by a laboratory that the department has certified under ch. ATCP 77 or the PMO.

(7) EMERGENCY TESTING AND SEALING. (a) The division may certify a dairy plant operator or employee to test and seal a pasteurization system in that dairy plant on an emergency basis under par. (b). To be certified under this paragraph, a dairy plant operator or employee shall have successfully completed a training course approved by the division. The division may suspend or revoke certification for cause.

(b) A dairy plant operator or employee certified under par. (a) may test and seal a pasteurization system in that dairy plant on an emergency basis, pending retesting and resealing

by the division under par. (c), if emergency testing and sealing is necessary to continue pasteurizing operations after the department's seal is broken. Testing under this paragraph shall comply with the procedure specified under sub. (2).

(c) The division shall promptly retest and reseal a pasteurization system after the division receives notice under sub. (6) (a) that its seal applied to that system has been broken. The division shall retest and reseal a pasteurization system under this paragraph, regardless of whether the pasteurization system has been tested and sealed under par. (b). The division need not retest or reseal a pasteurization system that is withdrawn from service.

## Subchapter V – Safety and Quality Standards

**ATCP 65.70 Milk quality standards for milk collected from a dairy farm.** Milk received or collected from a dairy farm shall comply with all of the following standards at the time of receipt or collection:

**(1)** ADULTERATION AND ODORS. The milk shall not be visibly or otherwise adulterated, have any objectionable odor, or be abnormal in appearance or consistency.

**(2)** BACTERIAL COUNT. (a) The bacterial count of grade A milk, as determined by a standard plate count, plate loop count or other method approved by the division under this subchapter, shall not exceed 100,000 per ml. The bacterial count of grade B milk shall not exceed 300,000 per ml. Except as provided under par. (f), a dairy plant operator is not required to reject milk shipments in response to a violation of this subsection unless the division suspends or revokes the milk producer's license or grade A producer permit, or issues an order affecting the milk shipments under s. ATCP 65.927.

(b) *Monthly testing required.* During every month in which a dairy plant operator receives milk from a milk producer, the dairy plant operator shall perform at least one standard plate

count (SPC) or plate loop count (PLC) on a milk sample obtained from the producer under s. ATCP 82.12. A dairy plant operator shall perform tests under this section and s. ATCP 65.76 on the same milk samples.

(c) *New milk producer; initial testing.* A dairy plant operator shall perform a standard plate count (SPC) or plate loop count (PLC) on a milk sample collected from a milk producer's first milk shipment to that operator. The dairy plant operator shall report the test result to the department and the milk producer within 7 days after the dairy plant operator obtains the test result.

(d) *Monthly reporting.* For each month in which a dairy plant operator procures milk from a milk producer, the dairy plant operator shall report to the division and the milk producer at least one representative test result under par. (b) for a milk shipment procured in that month. The dairy plant operator shall report the test result within 7 days after the operator obtains the test result.

(e) *Representative test results.* A test result is not representative, for reporting purposes under sub. (3), unless all the following apply:

1. The dairy plant operator collects the test sample according to a uniform sampling schedule that the operator applies to all milk producers who ship milk to the operator's dairy plant.

2. The dairy plant operator reports the test result according to standard reporting criteria that the operator applies to all milk producers who ship milk to the dairy plant operator's dairy plant.

(f) *Immediate response level; reporting and follow-up.* If a bacterial count under this section or s. ATCP 65.76 exceeds 750,000 per ml., the dairy plant operator shall do all the following:

1. Report the test result to the division and the milk producer within 3 business days after the operator obtains the test result.

2. Perform a confirmatory bacteriological test on at least one more sample of milk collected from the milk producer's dairy farm. The dairy plant operator shall collect the confirmatory sample within 14 days after the date on which the dairy plant operator collected the original sample. The dairy plant operator shall report the confirmatory test result to the division and the milk producer within 3 business days after the operator obtains the test result.

3. Reject milk shipments from the dairy farm if the confirmatory test shows a bacterial count still in excess of 750,000 per ml. The milk producer may not ship milk from the dairy farm to any dairy plant until a dairy plant operator conducts another test and finds that milk from the farm no longer has a bacterial count in excess of 750,000 per ml.

(g) *Division inspection; reinspection fee.* The division may inspect a dairy farm in response to any bacterial count reported to the division under this section. If the division inspects a dairy farm in response to a confirmatory bacterial count of more than 750,000 per ml. under par. (f), the division shall charge a reinspection fee under s. ATCP 65.02. The division may not charge a reinspection fee if the confirmatory bacterial count does not exceed 750,000 per ml., or if the division inspects more than 3 weeks after the division receives the confirmatory bacterial count.

**Note:** Under s. ATCP 65.924 the department will suspend a producer's grade A farm permit if 3 of the last 5 bacterial counts reported to the department under this section exceed the grade A standard of 100,000 per ml. under s. ATCP 65.70 (2). The department will suspend the producer's grade A permit regardless of whether any bacterial count exceeds the immediate response level of 750,000 per ml. under this section.

**Note:** Under s. ATCP 65.920 the department may suspend a milk producer's license if bacterial counts continue to exceed the grade B standard of 300,000 per ml. under s. ATCP 65.70 (2). The department may suspend the producer's license regardless of whether any bacterial count exceeds the immediate response level of 750,000 per ml. under this section. If 2 of the last 4 bacterial counts reported to the department under this section exceed the grade B standard of 300,000 per ml., the department will, at a minimum, send a warning notice to the producer.

(h) *Laboratory reporting.* A laboratory that performs tests under this section for a dairy plant operator may report the test results for the dairy plant operator.

(i) *Electronic reporting.* A dairy plant operator or laboratory shall report test results under this section in an electronic form approved by the division.

**(3)** DRUG RESIDUES. The milk shall not contain any drug residue. A dairy plant operator shall test each load of milk received from each milk producer for drug residues in accordance with s. ATCP 65.72.

**(4)** SOMATIC CELL COUNT. (a) The somatic cell count of cow or sheep milk, as determined by a direct microscopic somatic cell count, an electronic somatic cell count, or other method approved by the division under this subchapter, shall not exceed 750,000 cells per ml. The somatic cell count of goat milk, as determined by the Pyronin Y Methyl green stain test, shall not exceed 1,500,000 cells per ml. Except as provided under sub. (g), a dairy plant is not required to reject milk shipments in response to a violation of this subsection unless the department suspends or revokes the milk producer's license or grade A producer permit, or issues an order affecting the milk shipments under s. ATCP 65.927.

(b) *Monthly Testing Required.* During every month in which a dairy plant operator procures milk from a milk producer, the dairy plant operator shall perform at least one somatic cell count on a milk sample obtained from the producer under s. ATCP 82.12. If the dairy plant operator tests more than one milk sample each month, the dairy plant operator shall collect the samples at regular intervals throughout the month. A dairy plant operator shall perform tests under this section and s. ATCP 65.76 on the same milk samples.

**Note:** Somatic cell tests must be performed using methods prescribed under s. ATCP 65.78 (3). The maximum time between sample collection and testing depends on the test method used.

(c) *New milk producer; initial testing.* A dairy plant operator shall perform a somatic cell count on a milk sample collected from a milk producer's first milk shipment to that operator. The operator shall report the test result to the division and the producer within 7 days after the operator obtains the test result.

(d) *Test methods.* A somatic cell count under this section shall be a direct microscopic somatic cell count or an electronic somatic cell count. If the somatic cell count on goat milk exceeds 1,500,000 somatic cells per ml., the somatic cell count shall be confirmed using the Pyronin Y Methyl green stain test, unless that test was used to obtain the initial count.

(e) *Monthly reporting.* For each month in which a dairy plant operator procures milk shipments from a milk producer, the dairy plant operator shall report to the division and the producer at least one representative somatic cell count under sub. (4) for a milk shipment procured in that month. The dairy plant operator shall report the somatic cell count within 7 days after the dairy plant operator obtains the count.

(f) Representative somatic cell counts. A somatic cell count is not representative, for reporting purposes under sub. (4), unless all the following apply:

1. The dairy plant operator collects the test sample according to a uniform sampling schedule that the dairy plant operator applies to all milk producers who ship milk to the same dairy plant.

2. The dairy plant operator reports the somatic cell count according to standard reporting criteria that the dairy plant operator applies to all milk producers who ship milk to the same dairy plant.

(g) *Immediate response level; reporting and follow-up.* If a somatic cell count under this section exceeds 1,000,000 somatic cells per ml. for cow or sheep milk, the dairy plant operator shall do all the following:

1. Report the somatic cell count to the division and the milk producer within 3 business days after the operator obtains the somatic cell count.

2. Perform a confirmatory somatic cell count on at least one more sample of milk collected from the milk producer's dairy farm. The dairy plant operator shall collect the confirmatory

sample within 14 days after the date on which the operator collected the original sample. The dairy plant operator shall report the confirmatory somatic cell count to the division and the milk producer within 3 business days after the dairy plant operator obtains the confirmatory count.

3. Reject milk shipments from the dairy farm if the confirmatory somatic cell count under par. (2) still exceeds 1,000,000 somatic cells per ml. The milk producer may not ship cow or sheep milk from the dairy farm to any dairy plant until a dairy plant operator conducts another somatic cell count and finds that the count no longer exceeds this number.

**Note:** The department will suspend a grade A farm permit if 3 of the last 5 reported somatic cell counts exceed the standard under s. ATCP 65.70(4), regardless of whether any somatic cell count exceeds the immediate response level under this subsection. See s. ATCP 65.924.

**Note:** Under s. ATCP 65.920, the department may suspend a milk producer license if somatic cell counts continue to exceed the standard under s. ATCP 65.70 (4), regardless of whether any somatic cell count exceeds the immediate response level under this subsection. If 2 of the last 4 reported somatic cell counts exceed the standard under s. ATCP 65.70 (4), the department will at least send a warning notice to the producer. See s. ATCP 65.924.

(h) *Laboratory reporting.* A laboratory that performs somatic cell counts under this section for a dairy plant operator may report the somatic cell counts for the dairy plant operator.

**(5)** TEMPERATURE. The temperature of milk received or collected from a dairy farm more than 1 hour after the most recent milking shall not exceed 45° F. (7° C), or 50° F. (10° C.) in the case of grade B milk in cans. The temperature of blended milk consisting of milk from 2 or more milkings, which was received or collected less than 2 hours after the most recent milking shall not exceed 45° F.(7° C.).

**(6)** PESTICIDES AND TOXIC SUBSTANCES. The milk shall be free of pesticides and toxic substances.

**ATCP 65.72 Drug residue testing. (1)** MONTHLY TESTING OF PRODUCER MILK SHIPMENTS. During every month in which a dairy plant receives milk from a milk producer, the dairy plant operator shall perform a drug residue test on a milk sample obtained from that producer under s. ATCP 82.12 The drug residue test shall be sensitive, at a minimum, to beta lactam drug residues.

**(2)** NEW MILK PRODUCER; INITIAL TESTING. A dairy plant operator shall perform a drug residue test on a milk sample collected from a milk producer's first milk shipment to that dairy plant operator. The drug residue test shall be sensitive, at a minimum, to beta lactam drug residues and any other drug residues for which testing is required under sub. (3)(b). If the sample tests positive for any drug residue, the dairy plant operator shall report the result to the division and the producer within the time prescribed in sub. (9).

**(3)** TESTING BULK LOADS. (a) *Beta lactam drug residues; routine bulk load testing.* The operator of every dairy plant shall perform a drug residue test on every bulk load of raw milk received at that dairy plant. The drug residue test shall be sensitive, at a minimum, to beta lactam drug residues.

(b) *Other drug residues; random bulk load testing.* 1. In addition to performing routine beta lactam tests under par. (a), the operator of a dairy plant shall randomly test bulk milk deliveries received at that dairy plant for other drug residues whenever random testing is required by the division under subd. 2. The random testing program shall be designed so that, during any consecutive 6 month period, a milk shipment from each producer is included in at least 4 separate bulk load tests in each of 4 separate months.

2. The division may issue a periodic written notice to dairy plant operators, requiring dairy plant operators to perform random tests under subd. 1. for drug residues specified in the division's notice. The division shall issue the same notice to every dairy plant licensed by the division. The notice shall specify the effective date of the random testing requirements and the period of time during which the random testing requirements remain in effect.

(c) *Bulk load testing procedure.* Whenever a dairy plant operator performs a drug residue test on a bulk load of milk under par. (a) or (b), the operator shall perform the test on a sample

taken from the bulk milk tanker. The test shall be completed before the bulk load is commingled with any other milk. For testing purposes under pars. (a) and (b), a milk shipment received in cans is considered a bulk load.

(d) *Responsibility for follow-up testing.* If a bulk load of milk tests positive for drug residue, and if the dairy plant receiving that milk from producers is not the dairy plant to which those producers are assigned for licensing purposes under s. ATCP 65.02, the operator of the receiving dairy plant shall immediately notify the operator of the assigned dairy plant. The assigned dairy plant is responsible for performing follow-up tests on producer samples under sub. (3), and for rejecting producer shipments under sub. (6).

**(4)** DRUG RESIDUE FOUND IN BULK LOAD; FOLLOW-UP TESTING. If a bulk load of milk tests positive for a drug residue under sub. (3), the dairy plant operator shall perform a drug residue test on each of the individual milk producer samples collected for that bulk load under s. ATCP 82.12. The dairy plant operator shall test each milk producer's sample before collecting any further milk from that producer. The drug residue test performed on each producer sample shall be sensitive to the same drug residue that was detected in the bulk load. If a milk producer's sample tests positive for any drug residue, the dairy plant operator shall perform a confirmatory test using the same test method and sample. The dairy plant operator shall perform the confirmatory test in duplicate, with single positive and negative controls. If either confirmatory test result is positive for a drug residue, the milk producer's sample is considered positive for that drug residue.

**(5)** DRUG RESIDUE FOUND IN BULK LOAD; LOAD REJECTED. If a bulk load of milk from one or more milk producers tests positive for a drug residue under sub. (3), the dairy plant operator shall reject the entire bulk load. Milk from a rejected bulk load may not be used for human food. The